

## Message Text

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ACTION AF-10

INFO OCT-01 IO-13 ISO-00 CIAE-00 DODE-00 PM-05 H-01  
INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15  
USIA-06 COME-00 EB-08 LAB-04 SIL-01 /085 W  
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R 231046Z FEB 78  
FM AMEMBASSY CAPE TOWN  
TO SECSTATE WASHDC 6811  
INFO AMCONSUL DURBAN  
AMCONSUL JOHANNESBURG  
USMISSION GENEVA  
AMEMBASSY PRETORIA  
USMISSION USUN NEW YORK

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E.O. 11652: N/A  
TAGS: PINT, PLAB, SHUM, SF  
SUBJECT: BANTU AFFAIRS BILLS

1. SUMMARY: THREE NEW BILLS AFFECTING BLACK SOUTH AFRICANS WERE INTRODUCED AND DEBATED DURING THE FIRST REGULAR WORKING WEEK OF PARLIAMENT (FEB. 6-10). THE BANTU LAWS AMENDMENT BILL WILL STRIP CHILDREN OF CITIZENS OF INDEPENDENT HOMELANDS OF THEIR PERMANENT URBAN RESIDENCE RIGHTS REGARDLESS OF THEIR PLACE OF BIRTH. ANOTHER CLAUSE OF THE SAME BILL COULD RESULT IN THE EXPULSION OF MANY UNEMPLOYED BLACKS FROM THE URBAN AREAS. TWO OTHER BILLS WHICH APPEAR TO RESULT FROM PRE-INDEPENDENCE NEGOTIATIONS WITH BOPHUTHATSWANA ARE THE BANTU HOMELANDS CITIZENSHIP AMENDMENT BILL, WHICH WILL ALLOW FORMER CITIZENS TO REGAIN SOUTH AFRICAN CITIZENSHIP IF A NON-INDEPENDENT HOMELAND WILL HAVE THEM, AND THE BOPHUTHATSWANA BORDER EXTENSION BILL, WHICH SLIGHTLY INCREASES THE SIZE OF THAT HOMELAND. END SUMMARY.

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2. MUCH OF THE FIRST NORMAL WORKING WEEK OF THE SOUTH AFRICAN PARLIAMENTARY SESSION, FEB. 6-10, WAS OCCUPIED BY DEBATE ON THREE BILLS INTRODUCED BY NEW MINISTER OF PLURAL AFFAIRS AND DEVELOPMENT (FORMERLY BANTU ADMINISTRATION AND DEVELOPMENT), CONNIE MULDER. MULDER, WHO HAD WON THE PRAISE OF THE OPPOSITION WITH A CONCILIATORY FIRST SPEECH TO THE HOUSE DURING THE NO-

CONFIDENCE DEBATE (CAPE TOWN 0241), CAME IN FOR SHARP CRITICISM DURING THE DEBATE ON THE NEW BILLS. SEVERAL NATIONAL PARTY (NP) MPS HAVE TOLD US PRIVATELY THAT ALL THREE BILLS WERE IN FACT ORIGINATED BY ARCH-CONSERVATIVE FORMER MINISTER M.C. BOTHA AND HAD PROGRESSED TO A STAGE WHERE MULDER HAD NO CHOICE BUT TO CARRY THROUGH. NEVERTHELESS, MULDER'S APPROACH TO THE BILLS AND HANDLING OF THE DEBATE LEFT THE IMPRESSION THAT LITTLE HAS CHANGED IN THE BASIC NP POLICY OF SEPARATE DEVELOPMENT. OF PARTICULAR NOTE WAS MULDER'S BLUNT COMMENT DURING THE DEBATE THAT WHEN NP POLICY WAS CARRIED THROUGH TO ITS LOGICAL CONCLUSIONS, NOT A SINGLE BLACK WOULD HAVE SOUTH AFRICAN CITIZENSHIP (CAPE TOWN 230). AN NP VERLIGTE MP, JAN MARAIS, EXPLAINED PRIVATELY THAT MULDER HAD BEEN COMPELLED TO MAKE THE REMARK FOR A "PARTICULAR REASON," IMPLYING SOME INTRAPARTY POLITICAL PRESSURE ON THE NEW MINISTER TO CLARIFY THE FUNDAEMNTAL AIM OF PARTY POLICY.

3. THE MOST CONTROVERSIAL OF THE THREE NEW MEASURES IS THE BANTU LAWS AMENDMENT ACT, A MAJOR PROVISION OF WHICH IS THAT PERMANENT RESIDENCE RIGHTS FOR BLACKS IN "WHITE" AREAS WOULD IN FUTURE BE DEPENDENT ON CITIZENSHIP RATHER THAN BIRTH. BLACKS WHO WERE FORMERLY CITIZENS OF SOUTH AFRICA BUT PERFORCE BECAME CITIZENS OF INDEPENDENT HOMELANDS WOULD BE ALLOWED TO RETAIN THEIR RESIDENCE RIGHTS. BUT, ACCORDING TO OPPOSITION LIMITED OFFICIAL USE

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SPOKESMEN, CHILDREN OF HOMELAND CITIZENS, BORN AFTER HOMELAND INDEPENDENCE, UNDER THE NEW AMENDMENT WOULD HAVE NO FUNDAMENTAL RIGHT TO REMAIN IN "WHITE" SOUTH AFRICA, EVEN IF THEY WERE BORN AND RAISED THERE. THE CURRENT GENERATION, THEREFORE, WOULD BE THE LAST TO HAVE ANY LEGAL RIGHTS TO REMAIN PERMANENTLY IN THE "WHITE" AREAS WHICH MAKE UP 87 PERCENT OF THE COUNTRY. WHILE MULDER INSISTED THAT ALL STATES USE CITIZENSHIP RATHER THAN BIRTH TO DETERMINE RESIDENCE RIGHTS, THE OPPOSITION POINTED OUT THAT IN MOST COUNTRIES CITIZENSHIP IS THE RESULT OF BIRTH, AND THAT SOUTH AFRICA IS THE ONLY COUNTRY FORCIBLY TO STRIP ITS PEOPLE OF THEIR CITIZENSHIP.

4. ANOTHER CONTROVERSIAL CLAUSE OF THE SAME BILL REDEFINES AN "IDLE PERSON" FROM ONE "NORMALLY UNEMPLOYED" TO ANY BLACK WHO IS NOT EMPLOYED AND HAS NOT BEEN EMPLOYED FOR AT LEAST 122 DAYS IN THE PRECEDING 12 MONTHS. AN "IDLE PERSON," AS IN THE PAST, COULD LOSE URBAN RESIDENCE RIGHTS AND BE SENT TO A HOMELAND, DETAINED IN A REST CENTER OR FRAM CAPS, OR FORCIBLY HIRED OUT TO WORK ON A PRIVATE WHITE FARM. THE OPPOSITION OBJECTED TO THIS CLAUSE ON THE GROUNDS THAT IT "MAKES UNEMPLOYMENT A CRIME" AT A TIME WHEN EVEN SAG FIGURES SHOWED MORE THAN

620,000 BLACKS OUT OF WORK. ALTHOUGH MULDER AGREED TO AMEND THIS CLAUSE TO EXEMPT REGISTERED WORK SEEKERS, THE PFP CONTINUED TO OBJECT THAT THE BILL MIGHT BE USED AGAINST STUDENTS NOT ATTENDING SCHOOL AND OTHERS WITH LEGITIMATE REASONS NOT TO WORK. IN SUPPORT OF THE BILL, MULDER SAID THAT HOMELAND LEADES WERE AWARE OF THE CLAUSES UNDER CONSIDERATION BUT HAD RAISED NO OBJECTIONS. PIET DU PLESSIS, CHAIRMAN OF THE NP BANTU AFFAIRS COMMITTEE, TOLD US THE BILL WAS AIMED AT RIDDING THE TOWNSHIPS OF "HOOLIGANS AND CRIMINALS."

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5. MULDER ALSO NOTED THAT ANOTHER PROVISION OF THE BILL WOULD GRADUALLY REPLACE PASS BOOKS WITH HOMELAND TRAVEL DOCUMENTS, AND THAT A "NEW DISPENSATION" WOULD EVENTUALLY COME ABOUT IN WHICH BLACKS WOULD NO LONGER BE REQUIRED TO PRODUCE THESE DOCUMENTS ON DEMAND. HE DID NOT SAY WHEN THIS DISPENSATION WOULD COME ABOUT. THE BILL APPEARS LIKELY TO PASS WITH NO FURTHER CHANGES.

6. THE SECOND OF THE BILLS CONSIDERED, THE BANTU HOMELANDS CITIZENSHIP AMENDMENT BILL, PROVIDES THAT FORMER SOUTH AFRICANS WHO LOST THEIR CITIZENSHIP WHEN THEIR HOMELANDS BECAME INDEPENDENT CAN REGAIN SOUTH AFRICAN CITIZENSHIP IF THEY RECEIVE PERMISSION FROM THE MINISTER AND ARE ACCEPTED AS CITIZENS OF A NON-INDEPENDENT HOMELAND. THE BILL APPEARS TO BE THE RESULT OF PRE-INDEPENDENCE

NEGOTIATIONS BETWEEN BOPHUTHATSWANA AND THE SAG, IN WHICH CHIEF MANGOPE INSISTED THAT THERE BE SOME MEANS FOR TSWANAS TO REGAIN SOUTH AFRICAN CITIZENSHIP IF THEY WISHED TO (77 PRETORIA 3283, 27119. THE PFP OPPOSED LIMITED OFFICIAL USE

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THE BILL ON GROUNDS THAT THE LOSS OF CITIZENSHIP PROVIDED FOR IN THE ORIGINAL BILL REMAINS UNCHANGED AND THAT THERE IS NO ASSURANCE THAT A HOMELAND CITIZEN WOULD BE ALLOWED TO REGAIN HIS SOUTH AFRICAN CITIZENSHIP. THE OTHER OPPOSITION PARTIES SUPPORTED THE BILL, AND ITS APPEARS LIKELY TO PASS WITHOUT AMENDMENT.

7. THE BOPHUTHATSWANA BORDER EXTENSION BILL APPEARS ALSO TO HAVE BEEN FORMULATED AS A CONCESSION TO ENCOURAGE CHIEF MANGOPE TO ACCEPT INDEPENDENCE. IT PROVIDES FOR THE CESSION OF FIVE SMALL PLOTS OF LAND TO BOPHUTHATSWANA. THE BILL WAS SUPPORTED BY ALL PARTIES.

8. COPIES OF THE BILLS BEING POUCHED TO AF/S.

9. COMMENT: THE MOST IMPORTANT PROVISION IN THESE THREE BILLS IS THE NEW STIPULATION THAT CITIZENSHIP RATHER THAN PLACE OF BIRTH WILL IN THE FUTURE DETERMINE PERMANENT RESIDENCE RIGHTS FOR BLACKS IN WHITE SOUTH AFRICA. THE LOGICAL CONCLUSION OF THIS POLICY IS THAT NOT ONLY WILL THERE EVENTUALLY BE NO BLACK (AFRICAN) WITH SOUTH AFRICAN CITIZENSHIP, AS MULDER EXPLAINED, BUT THAT WITHIN A GENERATION THERE WILL BE NO BLACKS WITH LONG-TERM RESIDENCE RIGHTS IN THE WHITE AREAS. THIS SITUATION IS CONSISTENT WITH NATIONALIST DOCTRINE THAT ALL BLACKS AND BLACK TOWNSHIPS IN THE WHITE AREAS ARE TEMPORARY PHENOMENA. AT THE SAME TIME, OTHER STATEMENTS IN PARLIAMENT BY MULDER AND OTHER MINISTERS CONTRADICT THIS BASIC ASSUMPTION. MULDER, FOR EXAMPLE, TALKED OF HIS FORTHCOMING FIVE-YEAR PLAN TO MAKE SOWETO "THE MOST BEAUTIFUL CITY IN AFRICA," AND TO PROVIDE THE EQUIVALENT OF MUNICIPAL STATUS TO TOWNSHIPS LIKE SOWETO. BUT WHILE THE NEW LAW WILL LIKELY HAVE LITTLE PRACTICAL EFFECT ON LIMITED OFFICIAL USE

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THE FUTURE GENERATION OF THE MAJORITY OF URBAN BLACKS, WHO ARE INEXORABLY GROWING IN NUMBER, IT WILL MAKE INDIVIDUAL BLACKS WHO DISPLEASE THE GOVERNMENT MORE VULNERABLE TO THE THREAT OF BEING RETURNED TO THE HOMELANDS. BOWDLER

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## Message Attributes

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